

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

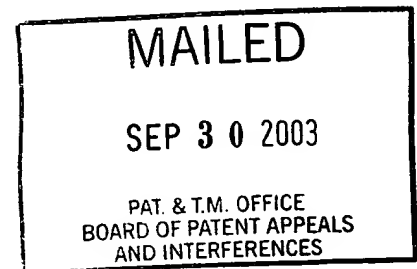
Paper No. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KLAUS MULLER

Appeal No. 2003-1524
Application 09/574,277



ORDER DISMISSING APPEAL

Before STONER, Chief Administrative Patent Judge, HARKCOM, Vice Chief Administrative Patent Judge, and WILLIAM F. SMITH, Administrative Patent Judge.

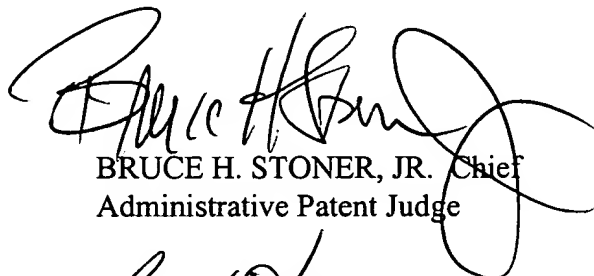
Per curiam.

On September 15, 2003, counsel for the appellant filed a Request for Continued Examination (RCE) under 37 CFR § 1.114 (Paper No. 24). Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Appeal No. 2003-1524
Application 09/574,277

Accordingly, the appeal in this application is dismissed.

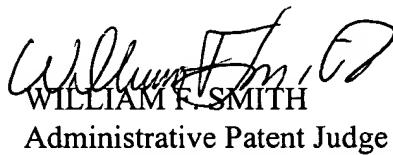
The application is being returned to the examiner for further action as may be appropriate.



BRUCE H. STONER, JR. Chief
Administrative Patent Judge



GARY V. HARKCOM, Vice Chief
Administrative Patent Judge



WILLIAM F. SMITH
Administrative Patent Judge

)
)
)
)
) BOARD OF PATENT
) APPEALS AND
) INTERFERENCES
)
)
)
)

BHS:tdl

Appeal No. 2002-0028
Application No. 09/029,509

Clarence A. Green
Perman & Green LLP
425 Post Road
Fairfield, CT 06430